

Remarks

In the Second Office Action, the oath/declaration was deemed defective under 37 C.F.R 1.52(c), claims 5-6, 8 and 18 were rejected under 35 U.S.C §112 second paragraph, claims 1-2, 4-7, 9-10, 12-14 and 17 were rejected under 35 U.S.C §102(b), claims 3, 11 and 15-16 were objected to but would be allowable if rewritten in independent form, claims 8 and 18 were objected to but would be allowable if rewritten in independent form such that they address the 35 U.S.C §112 second paragraph rejection, and claim 19 was allowed.

Oath/Declaration –

A supplemental declaration identifying the present application by application number and filing date is attached to this response. It is the Applicant's belief that this supplemental declaration is in compliance with 37 C.F.R 1.67(a) and is consistent with the previously filed Application Data Sheet (ADS).

Claims 5, 6, 8 and 18 - Rejected Under 35 U.S.C. §112 -

Claims 5 and 6 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for their use of the term "or more." Even though the Applicant respectfully traverses this rejection, both of these claims have been amended such that they now include the suggested term "at least one." It should be noted, the amendments to claims 5 and 6 do not narrow the scope of these claims in any way, as the term "at least one" is merely an alternative way of stating "one or more." It is the Applicant's position that these claims are in compliance with 35 U.S.C. §112, second paragraph, and accordingly a reconsideration of this rejection is requested.

Claims 8 and 18 were rejected under 35 U.S.C. §112, fourth paragraph, for failing to limit the subject matter of the preceding claim, but were indicated as being allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Although the Applicant respectfully traverses this rejection, claims 8 and 18 have been rewritten in independent form to include all of the limitations of their respective base claims and any intervening claims, as suggested by the Examiner. Again, it should be noted that the amendments to claims 8 and 18 do not narrow the scope of these claims in any way, as the originally submitted dependent claims are simply being rewritten in independent form

without adding any additional limitations. The Applicant believes both of these claims are in a condition for allowance and respectfully requests the same.

Claims 1-2, 4-7, 9-10, 12-14 and 17 - Rejected Under 35 U.S.C.102(b) -

Claims 1-2, 4-7, 9-10, 12-14 and 17 were rejected under 35 U.S.C §102(b) as being anticipated by U.S. Patent No. 6,060,682 (hereafter referred to as ‘the Westbrook patent’). The Applicant respectfully traverses this rejection for at least the reason that the Westbrook patent fails to disclose or to even suggest an interface, as defined by independent claims 1 and 9.

Beginning with claim 1, not a single one of the embodiments disclosed in the Westbrook patent shows an engineered welded blank having an interface “...wherein said first sides of said first and second sheet metal pieces are flushly aligned along a first segment of said interface and said second sides of said first and second sheet metal pieces are flushly aligned along a second segment of said interface.” With specific reference to Figures 13 and 16, it was asserted in the Second Office Action that “...the tubes have a first top side and a second bottom side and unequal edges and wherein the sides are flush at top and bottom segments.” The Applicant respectfully disagrees with this analysis for the following reasons.

First, it is clear from the written description and Figure 13 that tubular members 50a, 52a abut one another at their respective frustoconical surfaces 54a, 56a, such that they are flushly aligned at an outer surface or outer diameter d_2 , but *are not flushly aligned* anywhere along an inner surface or inner diameter. Thus, if the outer surfaces of tubular members 50a, 52a are considered “first sides” and the inner surfaces are considered “second sides”, then this embodiment plainly fails to show *both first and second segments* where the first and second sides of the two sheet metal pieces are flushly aligned, respectively. This non-flush or stepped inner diameter is explained by the Westbrook patent, which states,

In the embodiment of FIG. 13, the tubular members 50a, 52a have respective frustoconical surfaces 54a, 56a which nest within one another. The outer diameter indicated at D2 is common to both members and the wall thickness W_1 , W_2 differ so that a stepped internal surface is provided. The junction of the two tubular members is irradiated by a laser 62a to weld the two members to one another and provide a tubular member with a uniform outer diameter

but a stepped internal diameter.¹

Other embodiments taught in Westbrook are flushly aligned along inner surfaces of the two tubular members, but are non-flushly aligned along outer surfaces. Thus, no embodiment discloses or even suggests providing flushly aligned first and second segments, as defined by claim 1.

Second, there is absolutely no suggestion or motivation in any of the embodiments of the Westbrook patent to modify the device of that patent so that it includes an interface having first and second segments, as defined by claim 1.

Turning now to claim 9, the Westbrook patent neither discloses nor suggests providing an engineered welded blank having an interface where "...a first segment of said interface is stepped between said inner sides of said first and second sheet metal pieces and a second segment of said interface is stepped between said outer sides of said first and second sheet metal pieces." Again, the Westbrook patent fails to teach *first and second* stepped segments, as recited in claim 9.

While the Applicant agrees that the engineered welded blanks of claims 1 and 9 cover a wide variety of welded blanks, including tubular welded blanks, the Applicant respectfully traverses the rejection of claims 1-2, 4-7, 9-10, 12-14 and 17 for the reasons cited above. Accordingly, the Applicant requests that these claims be reconsidered and allowed.

Claims 3, 11, 15 and 16 - Objected To -

Claims 3, 11, 15 and 16 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form. The Applicant has rewritten dependent claims 3, 11, 15 and 16 so that they are in independent form and include all of the limitations of the base claim and any intervening claims. Accordingly, the Applicant respectfully requests allowance of these claims.

Claim 19 - Allowed -

The Applicant acknowledges the allowance of claim 19 with appreciation.

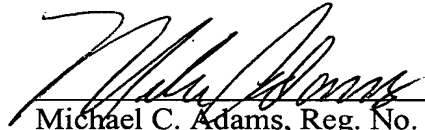
¹ US Patent No. 6,060,682; column 6, lines 13-21

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In view of the foregoing, the Applicant respectfully submits that all claims are in condition for allowance and reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

A check for \$1,200.00 (Check No. 8183) is enclosed herewith and is believed to be sufficient for the present response. However, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayment associated with this communication to Deposit Account No. 50-0852.

Respectfully Submitted,


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Enclosures

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